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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,967	07/26/2005	Michael J Sailor	0321.68334	9025
24978 7590 06/08/2007 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606				
			EXAMINER NAZARIO GONZALEZ, PORFIRIO	
			ART UNIT 1621	PAPER NUMBER
			MAIL DATE 06/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed March 26, 2007 overcomes the provisional rejection on the ground of nonstatutory obviousness-type double patenting of claims 16-24 and 27-35. The Examiner also withdraws the objection to claims 13 and 15.
2. Applicants' amendment to claim 15 and 30 does not overcomes the rejection of claims 16, 19-24 and 27-31 under 35 U.S.C. § 102(b) as being anticipated by the Sohn et al. abstract or the rejection of claims 32-35 (now 32-34) under 35 U.S.C. § 103(a) as being obvious over the Sohn et al. abstract. The Sohn et al. abstract clearly discloses "photoluminescent polymers containing silicon or germanium". Applicants' addition of the phrases "including Ge" or "includes Ge" does not overcome said rejections. Note that said amendment does not exclude a Ge-Ge backbone. Further, the reference cited by Applicants does not make mention of the 221<sup>st</sup> ACS National Meeting, which the Abstract is based, and as such it does not negate the disclosure in said abstract. Thus, the rejections are sustained.

### ***Allowable Subject Matter***

3. Claims 1-15, 18, 25 and 26 are allowed over the prior art of record.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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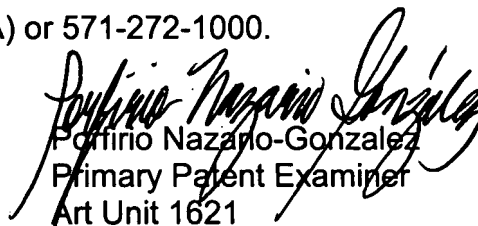
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Porfirio Nazario-Gonzalez whose telephone number is 571-272-0641. The examiner can normally be reached on Mon.-Fri. (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Porfirio Nazario-Gonzalez  
Primary Patent Examiner  
Art Unit 1621

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June 1, 2007